



Memorandum

To: Honorable Mayor Maso and Members of the Frisco City Council

cc: George Purefoy, City Manager
Cissy Sylo, P.E., Director of Engineering Services
Brian Moen, P.E., Assistant Director/Transportation

From: Joel W. Fitts, P.E., Senior Traffic Engineer

Date: November 4, 2008

Subject: Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement with Eldorado Crossing, LLC, for the construction of a northbound left turn bay (at the median opening at Custer Road and Fountainview) and a southbound right turn deceleration lane in conjunction with TxDOT's construction of FM 2478 (Custer Road) Improvements

Action Requested: Staff requests that Council approve a Resolution authorizing the City Manager to execute a Development Agreement with Eldorado Crossing, LLC, for the construction of a northbound left turn bay (at the median opening at Custer Road and Fountainview) and a southbound right turn deceleration lane in conjunction with TxDOT's construction of FM 2478 (Custer Road) Improvements.

Background Information: The Texas Department of Transportation (TxDOT) is currently completing the design and acquiring right of way for the widening of FM 2478 (Custer Road) from Stonebridge to US 380. The Project will widen the existing two (2) lane roadway to a six (6) lane urban roadway with a raised median, turn lanes, and curb and gutter. The Project is expected to open bids in November 2008; construction should begin in Spring 2009, and the Project is anticipated to be completed in late 2011.

TxDOT policy is to provide left turn lanes and median openings only at City streets. The policy is enforced to avoid favoritism or to avoid negatively impacting future development. TxDOT will construct left-turn lanes and right-turn deceleration lanes at other locations requested by the City, if the requesting City provides funding for the improvements.

The Custer Star Shopping Center is developing on the northwest corner of Eldorado Parkway and FM 2478 (Custer Road) within the City limits of Frisco before FM 2478 (Custer Road) is widened. Therefore, it is necessary to have Custer Star Shopping Center (Eldorado Crossing, LLC) escrow the cost of the turn lanes that are needed to serve the site once FM 2478 (Custer Road) is widened. In this way, the turn lanes can be built at the same time the roadway is widened. TxDOT requires that the City collect the escrow money from the developer and reimburse TxDOT for the construction costs. Therefore, a Development Agreement is necessary to describe the turn lane improvements that will be built, collection of the escrow money, reimbursing the money to TxDOT, making the developer responsible for any cost overruns, and the fact that the City cannot control the time frame of TxDOT's construction.

The total escrow amount specified in the Agreement is \$60,549.56. All costs in the agreement are based on estimated quantities and TxDOT's estimates of cost. The actual cost of the agreement will be based on actual field measured quantities and bid cost of each item. TxDOT will summarize the quantities and costs at the completion of construction and refund or request additional funds as necessary.

The Development Agreement for Custer Star is based on the standard agreement that Council approved in December 2006 for facilitating the construction of median openings and left turn lanes along SH 289 (Preston Road) north of Main Street. However, some differences were necessary to the agreement because:

- The plans for FM 2478 are already complete and building these turn lanes required the plans to be changed through a TxDOT change order.
- The developer needs to complete certain grading improvements along the edge of FM 2478 before TxDOT can build the turn lanes. The grading needs to be complete by May 1, 2009.

Alternatives: The City Council could consider the following alternatives:

- Approval of a Resolution authorizing the City Manager to execute a Development Agreement with Eldorado Crossing, LLC, for the construction of a northbound left turn bay (at the median opening at Custer Road and Fountainview) and a southbound right turn deceleration lane in conjunction with TxDOT's construction of FM 2478 (Custer Road) Improvements.
- Input towards the discussion as desired.
- Direct Staff to renegotiate the agreement with Eldorado Crossing, LLC.

Financial Considerations: The City will be responsible for securing the funds from the private land owner and reimbursing TxDOT during construction through a change order. The owner will be responsible for any costs due to TxDOT that are above the

escrow amount specified in the agreement (\$60,549.56). No City funds will be expended.

Legal Review: Approved as to form.

Supporting Documents:

- Project Location Map
- Resolution
- Development Agreement

Staff Recommendation: Staff recommends adopting a Resolution authorizing the City Manager to execute a Development Agreement with Eldorado Crossing, LLC, for the construction of a northbound left turn bay (at the median opening at Custer Road and Fountainview) and a southbound right turn deceleration lane in conjunction with TxDOT's construction of FM 2478 (Custer Road) Improvements.

Staff will be present at the meeting to address the Council's questions relating to this agenda item.